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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (optional) 0315-000414/REF
I hereby declare that:		
The residence, mailing address and citizenship of the inventors are stated below.		
I am authorized to act on behalf of the following assignee: <u>Emerson Climate Technologies, Inc.</u>		
And the title of my position with said assignee is: <u>Vice President, Research</u>		
The entire title to the patent identified below is vested in said assignee.		
Inventor	Mark Bass	Citizenship USA
Residence/Mailing Address	80 Creekwood Drive, Unit 8, Wilder, Kentucky 41071	
Inventor	Roy J. Doepler	Citizenship USA
Residence/Mailing Address	2042 Sandy Lane, Lima, Ohio 45806	
<input checked="" type="checkbox"/> Additional inventors are named on separately numbered sheets attached hereto.		
Patent Number	5,741,120	Date of Patent Issued April 21, 1998
I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:		
CAPACITY MODULATED SCROLL MACHINE		
the specification of which		
<input type="checkbox"/> is attached hereto.		
<input checked="" type="checkbox"/> was filed on <u>September 30, 2003</u> as reissue application number <u>10/678,052</u> .		
And was amended on _____ (If applicable)		
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.		
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.		
<input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.		
I verify below the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)		
<input type="checkbox"/> by reason of a defective specification or drawing.		
<input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.		
<input type="checkbox"/> by reason of other errors		

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including time spent preparing, reviewing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comment on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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At least one error upon which reissue is based is described as follows:

Patentee did not claim the subject matter of a force applying structure including a biasing chamber and a vent passage that vents pressurized fluid from the biasing chamber, which is supported by the specification as filed at Col. 4, line 55 – Col. 5, line 26; Col. 5, line 52 – Col. 6, line 16; Col. 6, line 36 – Col. 7, line 6; Col. 8, line 66 – Col. 9, line 19; Col. 9, line 36 – Col. 10, line 5; Col. 10, line 44 – Col. 11, line 4; Col. 11, lines 41-67; Col. 13, lines 13-38; Col. 13, line 42 – Col. 14, line 26; Col. 16, line 59 – Col. 17, line 23; Col. 17, line 32 – Col. 18, line 16; Col. 21, line 8 – Col. 22, line 38; Col. 23, line 14 – Col. 24, line 49; Col. 25, lines 8-39; and Col. 25, line 50 – Col. 6, line 32, among other parts of the specification, as well as the drawings. Claim 103 is added to cover the above subject matter. See line 24 of Claim 103, which recites a vent passage for venting pressurized fluid from a biasing chamber.

[Attach additional sheets, if needed]

**All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.**

I hereby appoint:

 Practitioners associated with Customer Number:

27572

OR

 Practitioner(s) named below:

Name	Registration Number

as my attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Correspondence Address: Direct all communications about the application to:

 The address associated with Customer Number:

27572

OR

<input type="checkbox"/>	Firm or Individual Name	Harness, Dickey & Pierce, P.L.C.			
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**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents files in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so make are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signature  Date 10/17/2007

Full name of person signing (given name, family name) Jean-Luc M. Caillat

Address of Assignee

1675 West Campbell Road, Sidney, Ohio 45365

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**REISSUE APPLICATION DECLARATION BY THE ASSIGNEE**Docket Number (optional)  
0315-000414/REF**ADDITIONAL INVENTORS**

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